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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,796	08/03/2004	Kevin Koch	43576.830008US1	4795
26582	7590	02/26/2009		
HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201			EXAMINER DEBROW, JAMES J	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 02/26/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KEVIN KOCH,  
AND GROVER MUNDELL

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Application No. 10//710,796  
Technology Center 2176

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Mailed: February 26, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 16, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**APPEAL BRIEF, STATUS OF CLAIMS**

A review of the file finds that the status of the claims as provided in the Appeal Brief filed January 3, 2008 under the heading “Status of Claims” is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last **entered** amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details

A review of the last entered amendment finds that claim 20 is cancelled; whereas Appellants have not indicated the status of this claim.

**CONCLUSION**

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on January 3, 2008 defective;
- 2) notify Appellants to file a paper properly addressing the status of all claims; and

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3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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